

01- R-1853

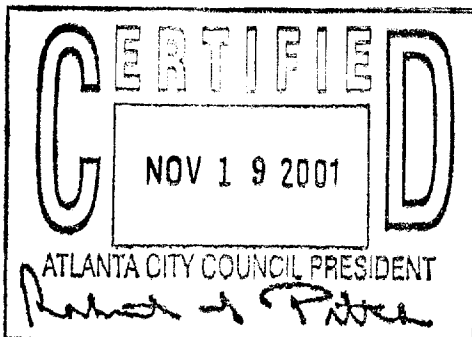
Entered - 09-14-00 - sb
CL 00L0566 - ALEXIS HOLMES

CLAIM OF: **CHERYL HARMS**
127 Clay Street
Atlanta, Georgia 30317

For vehicular damages alleged to have been sustained as a result of a
caved-in storm drain located in the right away on the claimant's
property on August 24, 2000 at 127 Clay Street.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ADV. CITY COUNCIL NOV 19 2001

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
DATE NOV 19 2001

CHAIR: C. H. Marks
Chela Harrison
Sharon
Wood

CERTIFIED
NOV 19 2001
Rhonda Daughlin Johnson
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

November 30, 2001

Cheryl Harms
127 Clay Street
Atlanta, Georgia 30317

01-R-1853

Dear Ms. Harms:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 19, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,


Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0566

Date: 11/02/01

Claimant /Victim CHERYL HARMS

BY: (Atty) _____

Address: 127 Clay Street Atlanta, Georgia 30317

Subrogation: _____ Claim for Property damage \$ 348.80 Bodily Injury \$ _____

Date of Notice: 9/30/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 8/24/01 Place: 127 Clay Street

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges she sustained damages after her vehicle dropped into a collapsed storm drain located in the right-away on her property. The City had not received notice that the defect existed prior to the claimant's incident. Therefore, pursuant to O.C.G.A. § 32-4-93 the City is relieved of any and all liability resulting from the defect. The City has taken the necessary steps to repair the storm drain and make the claimant's driveway area safe. Furthermore, this incident occurred in front of the claimant's residence and she was on notice of the defect, and should have exercised caution to avoid the hazard.

INVESTIGATION:

Statements: City employee _____ Claimant X Other X Written X Oral X

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 11-02-01

Committee Action _____ Council Action _____

RCS# 3297
11/19/01
5:16 PM

Atlanta City Council

Regular Session

MULTIPLE

Unfavorable Claims; Public Safety Items
19 through 37
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y McCarty	B Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

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MULTIPLE